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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,543

01/27/2004

Warwick W. Lawrie

2286-003

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05/12/2006

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EXAMINER

CHEN, JOSE V

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/765,543

Applicant(s)

LAWRIE, WARWICK W.

Examiner

José V. Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim(s) 7 fail(s) to recite sufficient structural elements and interconnection of the elements to positively position and define how a rod defines a tool area so that an integral structure able to function as claimed is recited. The expression "the outer margin" (claim 7) has no definite antecedent basis in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sargent. The patent to Sargent teaches structure as claimed including flexible pad having a continuous surface (20), pair of rigid rods (17) extending the length of the pads

and parallel to the sides of the pads for reducing flexibility of the pad along the direction parallel to the rods, a rectangular parts area, vertical sides.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent in view of Matay et al. The patent to Sargent teaches structure substantially as claimed, as discussed above, including a parts tray the only difference being that the tray does not include a magnetic sheet to preclude movement of objects placed thereon.

However, the patent to Matay et al teaches the use of providing a magnetic sheet to prevent objects from movement off the tray. It would have been obvious at the time of the invention to modify the structure of Sargent a magnetic sheet, as taught by Matay et al since such structure is used in the same intended purpose, thereby providing structure as claimed. The dimensions of the rod to provide different degrees of flexibility

would have been obvious and well within the level of ordinary skill in the art since such limitations are engineering strength and materials decisions which are routinely made.

Claims 14, 16, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent in view of Topps et al. The patent to Sargent teaches structure substantially as claimed, as discussed above, including a parts tray including a plurality of interior and outer walls, the only difference being that the walls do not form a plurality of receptacles. However, the patent to Topps et al teaches the use of providing a plurality of receptacles formed by interior walls. It would have been obvious and well within the level of one having ordinary skill in the art to the structure of Sargent to include a plurality of receptacles, as taught by Topps et al since such structures are conventional alternative structures used in the same intended purpose, thereby providing structure as claimed. The number and direction of orientation of the rods and dimensions of the rods to provide different degrees of flexibility would have been obvious and well within the level of ordinary skill in the art since such limitations are engineering strength and materials decisions which are routinely made.

Claims 17, 18, 22, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent in view of Matay et al. The patent to Sargent teaches structure substantially as claimed, as discussed above, including a parts tray the only difference being that the tray does not include a magnetic sheet to preclude movement of objects placed thereon. However, the patent to Matay et al teaches the use of providing a magnetic sheet to prevent objects from movement off the tray. It would have been obvious at the time of the invention to modify the structure of Sargent a

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magnetic sheet, as taught by Matay et al since such structure is used in the same intended purpose, thereby providing structure as claimed. The dimensions of the rod to provide different degrees of flexibility would have been obvious and well within the level of ordinary skill in the art since such limitations are engineering strength and materials decisions which are routinely made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent in view of Topps et al as applied to the claims above, and further in view of Chamberlain et al. The patent to Sargent teaches structure substantially as claimed as discussed above including a tray surface, the only difference being that there are no ridges on the surface to preclude movement of objects placed thereon. However, the patent to Chamberlain et al teaches the use of providing ridges to preclude movement of objects placed on a surface to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Sargent in view of Topps et al to include ridges, as taught by Chamberlain et al since such structure is used in the same intended purpose, thereby providing structure as claimed.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent in view of Topps et al as applied to the claims above, and further in view of Morset. The patent to Sargent teaches structure substantially as claimed as discussed above including a tray surface, the only difference being that there are no serrations on the surface to preclude movement. However, the patent to Morset teaches the use of

providing serrations to preclude movement. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Sargent in view of Topps et al to include serrations, as taught by Morset since such structure is used in the same intended purpose, thereby providing structure as claimed.

### ***Allowable Subject Matter***

Claims 7-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Response to Arguments***

Applicant's arguments filed 02/21/06 have been fully considered but they are not persuasive.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

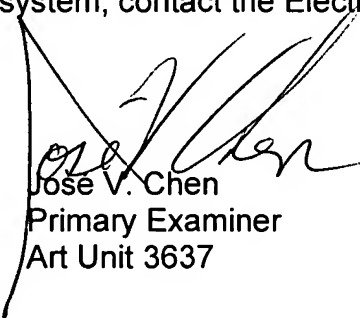
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (571)272-6865. The examiner can normally be reached on m-f,m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jose V. Chen  
Primary Examiner  
Art Unit 3637

Chen/jvc  
05-03-06